

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
v.)
)
WILLIAM R. CAIN, and)
ESTHER F. CAIN,)
)
Defendant.)

No. 3:21-CR-113-DCP

MEMORANDUM AND ORDER

This case is before the undersigned on the Defendants' Joint Motion to Continue Trial [Doc. 15], which was filed on November 3, 2021. Defendants are charged with a Class A misdemeanor and are set for trial before the undersigned on November 16, 2021.¹ Defendants ask the Court to continue the trial date and other deadlines in this case to give the parties additional time to engage in plea negotiations and to give defense counsel time to confer with their clients. The motion states that Defendants understand all time to the new trial date is excludable under the Speedy Trial Act. The motion also relates that the Government does not oppose the Defendants' request for a continuance. The parties have conferred with Chambers and agreed on a new trial date of February 1, 2022.

The Court finds Defendants' joint motion to continue the trial to be well-taken and unopposed and that the ends of justice served by granting a continuance outweigh the interest of

¹ Defendants have yet to execute consent forms, consenting to trial by a United States Magistrate Judge. At their initial appearance and arraignment on September 7, 2021, Defendants requested additional time to consider the waiver of a jury, which is on the same form as the consent to trial by a Magistrate Judge. Defendants are **DIRECTED** to file the consent/waiver forms on or before **December 1, 2021**.

the Defendants and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The parties are engaged in ongoing plea negotiations and need additional time to work on an agreed resolution of the case. Additionally, defense counsel need time to confer with the Defendants on any plea offers. Finally, if plea negotiations are not fruitful, defense counsel will need time to complete their investigation, to locate and interview witnesses, and to prepare for trial. The Court finds that all of this cannot occur by the November 16 trial date or in less than two and one-half months. Accordingly, the Court finds that the failure to grant the requested continuance would deprive defense counsel of the reasonable time necessary to prepare effectively for trial, even taking into account counsels' acting with due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

Defendants' joint motion [**Doc. 15**] to continue the November 16 trial is **GRANTED**. The trial of this case is reset to **February 1, 2022**. The Court also finds that all the time between the filing of the motion on **November 3, 2021**, and the new trial date of **February 1, 2022**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(1)(D) & -(7)(A)-(B). The Court also set a new schedule in this case, which is set out below.

Accordingly, the Court **ORDERS** as follows:

- (1) Defendants' Joint Motion to Continue Trial [**Doc. 15**] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **February 1, 2022, at 9:00 a.m.**, before the undersigned United States Magistrate Judge;
- (3) All time between the filing of the Defendants' motion on **November 3, 2021**, and the new trial date of **February 1, 2022**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) Defendants are **DIRECTED** to file the consent/waiver form on or before **December 1, 2021**, notifying the Court of whether they

consent to trial before a Magistrate Judge and whether they are requesting a jury;

(5) The deadline for filing a plea agreement in the record and providing reciprocal discovery is extended to **January 4, 2022**;

(6) The parties are to appear before the undersigned for a final pretrial conference on **January 11, 2022, at 11 a.m.**;

(7) The deadline for filing motions in limine is **January 14, 2022**; and

(8) Special requests for jury instructions shall be filed no later than **January 21, 2022**, and shall be supported by citations to authority pursuant to Local Rule 7.4.

IT IS SO ORDERED.

ENTER:



Debra C. Poplin
United States Magistrate Judge